

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

## OFFENSE CHARGED

SEE ATTACHMENT

Petty  
 Minor  
 Misdemeanor  
 Felony

PENALTY:

SEE ATTACHMENT

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

## DEFENDANT - U.S.

JOSEPH VU NGUYEN

DISTRICT COURT NUMBER

CR 08-0246 CW

MAY 21 2008  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND

## DEFENDANT

## IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1)  If not detained give date any prior summons was served on above charges

2)  Is a Fugitive

3)  Is on Bail or Release from (show District)

## IS IN CUSTODY

4)  On this charge

5)  On another conviction }  Federal  State

6)  Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution  
 Santa Rita JailHas detainer  Yes  
 been filed?  No} If "Yes"  
 give date  
 filedDATE OF  
 ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
 TO U.S. CUSTODY

Month/Day/Year

Name and Office of Person  
 Furnishing Information on this form JOSEPH P. RUSSONIELLO U.S. Attorney  Other U.S. AgencyName of Assistant U.S.  
 Attorney (if assigned)

AUSA GARTH HIRE

 This report amends AO 257 previously submitted

## PROCESS:

 SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: No Bail

If Summons, complete following:

 Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time:

Before Judge:

Comments:

ADDITIONAL INFORMATION OR COMMENTS

**PENALTY SHEET ATTACHMENT**

**UNITED STATES v. JOSEPH VU NGUYEN AND DAVIS KIET DANG**  
**CR 08-0246 CW**

**COUNT ONE (Dang)**

**Conspiracy to Interfere with Commerce through Robbery and Extortion**  
**(18 U.S.C. §§ 1951(a))**

Imprisonment: 20 Years Imprisonment

Fine: Maximum \$250,000

Supervised Release: Maximum 3-Year Term of Supervised Release

Special Assessment: \$100

**COUNT TWO (Nguyen)**

**Felon in Possession of Firearm and Ammunition**  
**(18 U.S.C. § 922(g)(1))**

Imprisonment: 10 Years Imprisonment

Fine: Maximum \$250,000

Supervised Release: Maximum 3-Year Term of Supervised Release

Special Assessment: \$100

**COUNTS THREE (Nguyen) AND FOUR (Dang)**

**Possession of a Controlled Substance (Methamphetamine)**  
**(21 U.S.C. § 844(a))**

If 21 U.S.C. § 851 Information alleging prior narcotics conviction NOT FILED:

Imprisonment: Maximum 1 Year Imprisonment

Fine: Maximum \$1,000

Supervised Release: Maximum 1-Year Term of Supervised Release

Special Assessment: \$25

If 21 U.S.C. § 851 Information alleging prior narcotics conviction FILED:

Imprisonment:                    Maximum 2 Years Imprisonment (one prior)  
    Mandatory Minimum 15 Days Imprisonment (one prior)  
  
    Maximum 3 Years Imprisonment (two priors)  
    Mandatory Minimum 90 Days Imprisonment (two priors)  
  
Fine:                                Maximum \$2,500 (one prior)  
    Maximum \$5,000 (two priors)  
  
Supervised Release:               Maximum 1-Year Term of Supervised Release  
  
Special Assessment:              \$100

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 SUPERSEDING

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Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED  
MAY 21 2008

## DEFENDANT - U.S.

DAVIS KIET DANG

DISTRICT COURT NUMBER  
CR 08-0246 CWRICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

## PROCEEDING

Name of Complainant Agency, or Person (&amp; Title, if any)

Bureau of Alcohol, Tobacco, Firearms, and Explosives

person is awaiting trial in another Federal or State Court,  
 give name of court

this person/proceeding is transferred from another district  
 per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocution of  
 charges previously dismissed  
 which were dismissed on motion  
 of:

U.S. ATTORNEY  DEFENSE

SHOW  
DOCKET NO.

this prosecution relates to a  
 pending case involving this same  
 defendant

prior proceedings or appearance(s)  
 before U.S. Magistrate regarding this  
 defendant were recorded under

MAGISTRATE  
CASE NO.

4-08-70245 WDB

Name and Office of Person  
 Furnishing Information on this form JOSEPH P. RUSSONIELLO

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S.  
 Attorney (if assigned)

AUSA GARTH HIRE

Has detainer  Yes  
 been filed?  No

If "Yes"  
 give date  
 filed

DATE OF  
ARRESTMonth/Day/Year  
4/22/08

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

## PROCESS:

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

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\*Where defendant previously apprehended on complaint, no new summons or  
 warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments:

<p><b>ADDITIONAL INFORMATION OR COMMENTS</b></p> <p>Comments: _____</p>	
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**PENALTY SHEET ATTACHMENT**

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**CR 08-0246 CW**

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Special Assessment: \$100

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    Mandatory Minimum 90 Days Imprisonment (two priors)  
  
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    Maximum \$5,000 (two priors)  
  
Supervised Release:              Maximum 1-Year Term of Supervised Release  
  
Special Assessment:             \$100

## United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

**FILED**  
MAY 21 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES OF AMERICA,

v.

CR-08-246-CW

JOSEPH VU NGUYEN, and DAVIS KIET  
DANG, aka Kiet Dang, aka Kiet Davis Anh  
Dang, aka Kiet Davisanh Dang,

DEFENDANT(S).

**SUPERSEDING INDICTMENT**18 U.S.C. § 1951(a) - Conspiracy to Interfere with Commerce by  
Robbery and Extortion;18 U.S.C. § 922(g)(1) - Felon in Possession of a Firearm and  
Ammunition;

21 U.S.C. § 844(a) - Possession of Methamphetamine

A true bill.

\_\_\_\_\_  
ForemanFiled in open court this 21 day of  
MAY 2008\_\_\_\_\_  
Clerk

Bail, \$ No bail arrest warrant  
Wayne D. Brazil only for Mr. Nguyen.  
5-21-08

1 JOSEPH P. RUSSONIELLO (CABN 44352)  
 2 United States Attorney

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FILED  
 MAY 21 2008  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

11	UNITED STATES OF AMERICA,	)	No. CR 08-0246 CW
12	Plaintiff,	)	VIOLATIONS: 18 U.S.C. § 1951(a) –
13	v.	)	Conspiracy to Interfere with Commerce by
14	JOSEPH VU NGUYEN, and	)	Robbery and Extortion; 18 U.S.C.
15	DAVIS KIET DANG,	)	§ 922(g)(1) – Felon in Possession of a
16	aka Kiet Dang,	)	Firearm and Ammunition; 21 U.S.C.
17	aka Kiet Davis Anh Dang,	)	§ 844(a) – Possession of Methamphetamine
18	aka Kiet Davisanh Dang,	)	OAKLAND VENUE
19	Defendants.	)	

FIRST SUPERSEDING INDICTMENT

20 The Grand Jury charges:

21 COUNT ONE: (18 U.S.C. § 1951(a) – Conspiracy to Interfere with Commerce by  
 22 Robbery and Extortion)

23 On or about January 6, 2008, in the Northern District of California, defendant

24 DAVIS KIET DANG,  
 25 aka Kiet Dang,  
 aka Kiet Davis Anh Dang,  
 aka Kiet Davisanh Dang,

26 did knowingly and intentionally conspire with others known to the Grand Jury to obstruct, delay,  
 27 and affect commerce and the movement of articles and commodities in commerce by robbery and  
 28 extortion, in violation of Title 18, United States Code, Section 1951(a).

FIRST SUPERSEDING INDICTMENT

1 COUNT TWO: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and  
2 Ammunition)

3 On or about February 6, 2008, in the Northern District of California, defendant  
4 JOSEPH VU NGUYEN,  
5 having previously been convicted of a felony crime punishable by a term of imprisonment  
6 exceeding one year, did knowingly and intentionally possess, in and affecting interstate  
7 commerce, a firearm, namely, a KBI, Model PMK-380, .380 caliber, semi-automatic pistol, with  
8 an obliterated serial number, and ammunition, namely, eight rounds of Winchester .380 caliber  
9 ammunition, in violation of Title 18, United States Code, Section 922(g)(1).

10  
11 COUNT THREE: (21 U.S.C. § 844(a) – Possession of Methamphetamine)

12 On or about February 6, 2008, in the Northern District of California, defendant  
13 JOSEPH VU NGUYEN,  
14 did knowingly and intentionally possess a Schedule II controlled substance, namely, a mixture  
15 and substance containing a detectable amount of methamphetamine, that was not obtained  
16 directly, or pursuant to a valid prescription and order, from a practitioner acting in the course of  
17 his or her professional practice, in violation of Title 21, United States Code, Section 844(a).

18 COUNT FOUR: (21 U.S.C. § 844(a) – Possession of Methamphetamine)

19 On or about February 6, 2008, in the Northern District of California, defendant  
20 DAVIS KIET DANG,  
21 aka Kiet Dang,  
22 aka Kiet Davis Anh Dang,  
23 aka Kiet Davisanh Dang,

24 did knowingly and intentionally possess a Schedule II controlled substance, namely, a mixture  
25 and substance containing a detectable amount of methamphetamine, that was not obtained  
26 directly, or pursuant to a valid prescription and order, from a practitioner acting in the course of

27 ///

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FIRST SUPERSEDING INDICTMENT

1 his or her professional practice, in violation of Title 21, United States Code, Section 844(a).

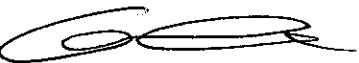
2 DATED:

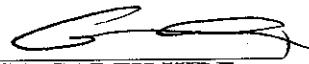
3 5-21-08

4 A TRUE BILL

5   
6 FOREPERSON

7 JOSEPH P. RUSSONIELLO  
8 United States Attorney

9   
10 W. DOUGLAS SPRAGUE  
11 Chief, Oakland Branch

12 (Approved as to form:   
13 AUSA GARTH HIRE

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FIRST SUPERSEDING INDICTMENT